

**NSW Department of Customer Service**

**Liquor & Gaming NSW**

Application number:	APP-0008558200
Application for:	Liquor – On-premises Catering liquor licence
Trading hours:	Friday to Saturday: 06:00 PM to 12:00 AM Sunday: 06:00 PM to 10:00 PM
Applicant:	RENAISSANCE WEDDING RECEPTION & EVENT CENTRE PTY LTD
Licence name:	Renaissance Wedding Reception and Events Centre Pty Ltd
Premises address:	3 NEW ST EAST LIDCOMBE NSW 2141
Issue:	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for a Liquor – On-premises Catering liquor licence
Legislation:	Section 45(1) of the <i>Liquor Act 2007</i>

**On-premises Catering liquor licence**

**Renaissance Wedding Reception and Events Centre Pty Ltd**

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the Gaming and Liquor Administration Act 2007, a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Customer Services, has decided to grant the application for Liquor – On-premises Catering liquor licence, application number APP-0008558200

After careful consideration of the application and other material, the delegate decided to approve the application, subject to conditions listed in table 1.

Decision Date: 9 August 2021



Kieran McSherry

**Team Leader, Licensing; New Licensing and special Events  
Liquor and Gaming NSW  
Delegate of the Independent Liquor & Gaming Authority**

## STATEMENT OF REASONS

### Analysis of Submissions and statutory requirements

- (1) No public submissions have been received objecting to the application
- (2) Appropriate consent is in place for the use of the premises as a Liquor – On-premises Catering liquor licence
- (3) Police have no objection and requested more conditions be imposed on the licence. I have considered all conditions as requested by police and have imposed those which I consider as relevant to this particular application. These conditions will provide a level of assurance that the licence will be exercised in accordance to liquor legislative constraints.
- (4) I am satisfied that the applicant has been provided with an opportunity to consider and comment upon the conditions contained in the licence document.
- (5) I am satisfied that the statutory advertising requirements have been met.
- (6) Having reviewed all the material, I am satisfied that granting this application for a Liquor – On-premises Catering liquor licence will not be detrimental to the local or broader community.

### Overall social impact

#### (1) Positive benefits

The licensee operates an events management business which specialises in community functions, weddings, and events. Events such as but not limited to corporate, Christening and Communion.

The grant of this liquor licence will enable the licensee to host a variety range of events across the community.

#### (2) Mitigation of potential negative impacts

I am satisfied that the business model, conditions imposed, and any other information contained in the application will provide that the lawful operation of the premises will not be detrimental to the local or broader community.

### Conditions considered by the ILGA delegate

All requests to impose conditions on the licence are reviewed on a case-by-case basis and a merit-based assessment is conducted.

In considering whether a proposed condition has merit, delegates consider: (a) whether the need for the condition has been adequately established (b) whether the benefits of imposing the condition are likely to outweigh the costs and (c) whether the proposed condition is proportionate to the potential harm identified.

Table 1 sets out the conditions which I have decided to impose on the licence, and the Table 2 sets out conditions put forwarded for consideration which I have decided not to impose, and the reasons for that decision.

TABLE 1 - Proposed conditions imposed on the licence:	
1.	Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 04:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2.	<b>Restricted trading &amp; NYE (airport, catering - std)</b> Consumption on premises Good Friday: Normal trading - Christmas Day: Normal trading - December 31st: Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later
3	Licensee/manager training must be completed no later than 6 months from the date of the grant of the liquor licence.
4.	The following drinks must not be sold or supplied on the Licensed Premises: Any drink commonly referred to as a "shot" or a "shooter", (with the exception of cocktails) that contains more than 30 mls of spirits or liqueur and that is designed to be consumed rapidly"
5.	<b>Plan of management:</b> The premises is to be operated at all times in accordance with the Plan of Management dated June 2021 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a Police Officer, Council Officer, Liquor and Gaming NSW Inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
6.	The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:

	<ul style="list-style-type: none"> <li>(a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),</li> <li>(b) recordings must be in digital format and at a minimum of six (6) frames per second,</li> <li>(c) any recorded image must specify the time and date of the recorded image,</li> <li>(d) the system's cameras must cover the following areas: <ul style="list-style-type: none"> <li>(i) all entry and exit points on the premises,</li> <li>(ii) the footpath immediately adjacent to the premises, and</li> <li>(iii) all publicly accessible areas (other than toilets) within the premises.</li> </ul> </li> </ul> <p>1) The licensee must also:</p> <ul style="list-style-type: none"> <li>(a) keep all recordings made by the CCTV system for at least 30 days,</li> <li>(b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and</li> </ul> <p>provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.</p>
7.	<p><b>Crime Scene Preservation</b></p> <p>The licensee must notify the Police Area Commander, NSW Police Force or his/her representative, of all serious incidents.</p> <p>Serious incidents include any incidents involving an act of violence causing an injury to a person on the premises, including, but not limited to, any injury sustained by a patron that requires medical treatment.</p> <p>The licensee must ensure that, immediately after the licensee or a staff member becomes aware of an incident on the licensed premises involving an act of violence against any person or property, the following is adhered to:</p> <ul style="list-style-type: none"> <li>a. The licensee or a staff member must take all practical steps to preserve and keep intact the area where the act of violence occurred, in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police Force.</li> <li>b. The licensee or a staff member must make direct and personal contact with the Police Area Commander, NSW Police Force or his/her delegate and advise the Commander or delegate of the incident.</li> <li>c. The licensee or the staff member must comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.</li> </ul>

8.	<p>The licensee must give written notice to Auburn Police Station of any given function/event no later than 3 days prior to the event.</p> <ul style="list-style-type: none"> <li>• The written notice must include; <ul style="list-style-type: none"> <li>➤ Address of the premises where the function/event is to be held, and</li> <li>➤ Name of the Manager on date of the function/event is being held, and</li> <li>➤ Nature of-the function, and</li> <li>➤ Number of persons attending the function/event</li> <li>➤ Date on which and the hours during which the function is to be held, and</li> </ul> </li> </ul> <p>A comprehensive Plan of Management Security Management Plan (POM)</p>
9.	<p>The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents during all trading hours and any action taken in response to any such incident:</p> <ul style="list-style-type: none"> <li>• any incident involving violence or anti-social behaviour occurring on the premises,</li> <li>• any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,</li> <li>• any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>• any incident that results in a patron of the premises requiring medical assistance.</li> <li>• The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ul style="list-style-type: none"> <li>➤ make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>➤ allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</li> </ul> </li> </ul> <p>The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p>
10	<p>The licensee and security staff shall patrol the exterior of the premises to discourage antisocial behaviour. Such patrols are to continue until all patrons have left the premises and the vicinity of the premises.</p>
11	<p>The licensee is required to maintain a written register to record the duties of all employees. This register is to be written in the English language and identifies the-role and time period(s) of employees undertaking the roles wait staff and management. This register is to be provided to any Police Officer immediately upon request.</p>
12	<p>Signs are to be placed on all entry/exits instructing patrons to leave the area quickly and quietly in an orderly manner. These signs are to include the fact that the area outside the hotel is an Alcohol-Free Zone (Bridge Street, Lidcombe - Zone 11 - Cumberland Council) and that opened alcohol containers are not to be taken off the premises.</p>
13	<p>All liquor shall be opened by staff and no liquor shall be sold or supplied under the licence in unopened cans or bottles</p>

14	The licensee or its representative must join and be an active participant in the local Liquor Accord
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TABLE 2 – Proposed conditions not imposed on the licence:		Proposed by:	Reason code (see table 9)
1.	No person wearing any form of clothing, jewellery or other accessory, displaying or indicating by form of wording, colours, logo, symbol or otherwise that they are members of or are in way associated with the following groups (Bandidos, Black Uhlans, Coffin Cheaters, Comancerho, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life and Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells angels, Scorpions, Notorious) be allowed entry into, or be permitted to remain on the licensed premises.	Police	G
2.	A senior supervising security officer is to supervise security at the premises and ensure that they carry out their duties in an efficient and effective manner, and report regularly to the licensee regarding any concerns or problems encountered.	Police	F
3.	At all times during trading hours, the licensee is to ensure a staff member is present and trained in the use of the CCTV recording facilities to ensure it can be viewed and/or recorded to an external device if requested by an authorised inspector or police.	Police	I
4.	The licensee shall ensure that food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold, supplied or consumed on the licensed premises	Police	F
5.	<p><b>LA10 Noise Management</b></p> <p>The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.</p> <p>The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz</p>		C

	<p>inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.</p> <p>Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.</p> <p>Interior noise levels which, although restricted in accordance with the above condition, still exceed safe hearing levels, are in no way supported or condoned by the Authority.</p>		
6.	<p>The licensee must engage a person who holds a class 2A security licence, or is otherwise suitably qualified, to prepare a plan of management (POM) for the licensed premises and submit the POM to the Authority for approval within 1 month of (date of start of liquor licence activation). The plan should be systems based and adopt a continuing approach to address the following:</p> <ul style="list-style-type: none"> <li>• Compliance with licence conditions and liquor laws.</li> <li>• The responsible service of alcohol.</li> <li>• Minimising disturbance to the neighbourhood particularly addressing effective management of patrons: <ul style="list-style-type: none"> <li>➤ who are approaching intoxication, intoxicated, violent, quarrelsome or disorderly,</li> <li>➤ queuing to gain entry to the premises, and</li> <li>➤ within and departing the premises.</li> </ul> </li> <li>• Effective management and deployment of venue staff particularly addressing: <ul style="list-style-type: none"> <li>➤ maintaining an incident register,</li> <li>➤ security and patron safety,</li> <li>➤ crime scene management procedures, and</li> <li>➤ induction and training</li> <li>➤ Appropriate responses to concerns raised by NSW Police or residents affected by the operation of the licensed premises.</li> </ul> </li> </ul> <p>The premises is to be operated at all times in accordance with the Plan of Management dated as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for</p>	Police	<b>B</b>

	inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.		
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**Materials considered by the ILGA delegate**

<b>TABLE 3: Submission's analysis</b>	
<b>Stakeholder submissions</b>	
1.	<b>NSW Police</b> <ul style="list-style-type: none"> <li>Police has no objection and requested more conditions be imposed on the licence.</li> </ul>
2.	<b>Council</b> <ul style="list-style-type: none"> <li>The hours of operation of the function centre approved are limited from 6pm to 1am on Fridays, Saturdays and Sundays under the condition 3 of DA-483/1998. The hours of operation not specified in condition 3 is not supported by council. A modification application is required to amend the condition 3.</li> </ul>

<b>TABLE 4: Document analysis</b>		
<b>Details</b>		<b>Dated received/comment</b>
1.	Application form	APP-0008558200
2.	Plan of proposed licensed area	Compliant
3.	Certification of Advertising	Compliant
4.	Plan of management	Compliant
5.	National Police Certificate ID RSA competency card Advanced licensee training	Not required Compliant Compliant Agreed to licensee condition
6.	Development consent	Proposed modification: modification to function centre including additional storey for office & conference room, deletion of



		parking spaces for additional commercial space and façade improvement & minor internal alterations to comply with BCA requirements
7.	Correspondence from Liquor & Gaming NSW to the applicant requesting additional information and consent to conditions.	
8.	Correspondence from the applicant in response to Liquor and Gaming.	

## Conclusion

- (1) I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether to grant the application. All of those required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The decision was made by the delegate having reviewed the application statement, business model and risk analysis, stakeholder submissions and other relevant material.
- (2) In accordance with section 45(3)(a) of the Act I am satisfied that the proposed licensee is a fit and proper person to carry on the business or activity to which the proposed licence relates.
- (3) Having considered the management plan and related material, under section 45(3)(b) of the Act, I am satisfied that practices will be in place at the premises as soon as the licence is granted that ensure, as far as reasonably practicable, that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place.
- (4) Consistent with section 45(3)(c) of the Act requiring development consent from the local council, I am satisfied that the required development consent or approval is in force.
- (5) In making this decision under delegation from of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant the liquor licence application with conditions.

**TABLE 5: Relevant extracts from the Liquor Act 2007**

**Legislative framework, statutory objects and considerations**

In determining the application, the delegate has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which state:

**3 Objects of Act**

1. The objects of this Act are as follows:
  - a. to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
  - b. to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
  - c. to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
2. In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
  - a. the need to minimise harm associated with misuse and abuse of liquor (including the harm arising from violence and other anti-social behaviour),
  - b. the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
  - c. the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.
  - d. the need to support employment and other opportunities in the—
    - (i) live music industry, and
    - (ii) arts, tourism, community and cultural sectors.

**TABLE 6: Statutory tests**

1. In determining an application for a licence, under section 45(3) of the Liquor Act 2007, the delegate must also be satisfied that:
  - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
  - (b) practices will be in place as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the

- premises and that all reasonable steps are taken to prevent intoxication on the premises and that those practices will remain in place, and
- (c) if development consent is required under the *Environmental Planning and Assessment Act* 1979 (or approval under Part 4 Division 4.1 or Part 5.1 of that Act is required), to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.
- (d) the proposed approved manager/licensee has completed the relevant tiered industry training as per legislative requirements.

**TABLE 7: Community impact test**

1. Under section 48(5) of the Liquor Act 2007, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the Application process, that the overall impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.
2. The test applying under section 48(5) relates to delegated decisions in relation to:
  - a. the grant or removal of a small bar licence (where required),
  - b. a packaged liquor licence (limited to telephone/internet sales),
  - c. an application for extended trading hours to permit the sale of liquor after midnight in relation to a small bar (where required), an on premises relating to a restaurant that includes an application for a primary service authorisation, an on premises licence relating to a karaoke bar, a catering service or a vessel, and an application for a producer/wholesaler licence that includes an application for a drink on premises authorisation.

The Community Impact Statement provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.

**TABLE 8: Important Information:**

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2008, this decision is reviewable by ILGA.

The licence applicant and persons who were required to be notified of the application and who made a submission can apply for an application for review. An application for a review must be

lodged with ILGA within 28 days of the date of the publication of this decision. An application fee applies. For original applicants, the review application fee is the same as the initial application fee. For non-original applicants, the application fee is \$100.

For ILGA reviews of delegated decisions, make an application for review via the Liquor and Gaming Application Noticeboard at: <https://www.liquorandgaming.nsw.gov.au/Pages/public-consultation/online-application-noticeboard/online-application-noticeboard.aspx>. The Review Application form can be accessed online via the Application Number hyperlink.

Further information can be obtained from the Reviews page on the Liquor & Gaming website at: <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/reviews-of-decisions/reviews-of-liquor-and-gaming-decisions.aspx>

**TABLE 9: - Reasons for not imposing requested conditions.**

A	Do not impose. Already covered by the Liquor Act.
B	Do not impose. Already covered/already a condition in the DA.
C	Do not impose. Not a relevant condition for this licence type. Condition sought is generally only imposed on high-risk licence type or in exceptional circumstances. Exceptional circumstances have not been sufficiently made out by the person putting forward the condition.
D	Do not impose. This condition would be more restrictive than similar venues in Kings Cross which remains subject to the lockdown laws in 2020.
E	Do not impose. Small Bars are considered low risk.  2016 Review of Small Bars found Venues with a small bar licence have a lower incidence of alcohol-related violence than venues operating as a small bar under another type of liquor licence. Smaller bars have a lower incidence of alcohol-related violence than other types of licensed venue.
F	Do not impose. Already covered in the Plan of Management. Plan of management condition has been imposed.
G	Do not impose. Not in alignment with the business type, risk associated and would impose disproportionate unnecessary financial and operational burden (small business).
H	Do Not Impose. Being part of a liquor accord is not compulsory / on a voluntary basis only. Exceptional circumstances for imposing condition have been sufficiently made out by the person putting forward to the condition.
I	Do not impose – wording not consistent with ILGA/L&GNSW standard conditions – ILGA/L&GNSW standard condition wording has been imposed instead.

